Case: 4:23-cv-01611-SEP Doc. #: 3-1 Filed: 12/15/23 Page: 1 of 76 PageID #: 79

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS STATE OF MISSOURI

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a Delaware Corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; THE SQUARE, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1–10,

Defendants.

Case No. 2322-CC09423

NOTICE TO CLERK OF REMOVAL

To: Clerk for the Circuit Court for the City of St. Louis, State of Missouri

Pursuant to Title 28 United States Code §§ 1332, 1441, and 1446, a Notice of Removal, a copy of which is attached hereto, was filed by Defendant Home Box Office, Inc. (incorrectly sued as "HBO Home Entertainment Corp."), with consent of all other Defendants who have been served with process, namely, The Othrs Licensing Corp., The Othrs LLC, The Square LLC, Karim Amer, Jehane Noujaim (incorrectly sued as "Jehane Noujaime"), and Isabella Constantino, in the United States District Court of the Eastern District of Missouri, Eastern Division, on the 15th Day of December, 2023.

Case: 4:23-cv-01611-SEP Doc. #: 3-1 Filed: 12/15/23 Page: 2 of 76 PageID #: 80

Respectfully submitted,

Dated: December 15, 2023 By: /s/Joseph E. Martineau

Joseph E. Martineau, #32397MO Kolten C. Ellis, #74451MO

LEWIS RICE LLC

600 Washington Avenue, Suite 2500

St. Louis, Missouri 63101 Telephone: (314) 444-7600 Facsimile: (314) 612-2042 jmartineau@lewisrice.com kellis@lewisrice.com

Attorneys for Home Box Office, Inc.

<u>CERTIFICATE OF SERVICE AND</u> <u>CERTIFICATE OF COMPLIANCE WITH RULE 55.03(A)</u>

The undersigned certifies that under Rule 55.03(a) of the Missouri Rules of Civil Procedure that he has signed the original of this Certificate and the foregoing pleading. I hereby certify that, on December 15, 2023, a copy of the **Notice of Removal** was served via the Court's electronic filing system on the following party:

Marc Elliot 5655 Pershing Ave, Apt. 529 St. Louis, MO 63112 Telephone: (314) 252-0579 marc@marcelliot.com

Plaintiff, pro se

/s/ Joseph E. Martineau

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a Delaware Corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; THE SQUARE, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1–10,

Defendants.

Case No. 4:23-cv-1611

State Court Case No. 2322-CC09423

NOTICE OF REMOVAL

Defendant Home Box Office, Inc. ("HBO," incorrectly sued as "HBO Home Entertainment Corp."), with consent of all other Defendants who have been served with process, namely, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC, Karim Amer, Jehane Noujaim (incorrectly sued as "Jehane Noujaime"), and Isabella Constantino (collectively, "Co-Defendants"), by and through undersigned counsel, hereby removes the above-styled case from the Circuit Court for the City of St. Louis, Missouri, Case No. 2322-CC09423, to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. §§ 1332(a), 1441(b), and 1446. This case is being removed to this Court because, based on the allegations Plaintiff Marc Elliot asserts in this action, there is complete diversity of citizenship

between the parties and more than \$75,000 in controversy (exclusive of interest and costs). As grounds for removal, HBO states as follows:

INTRODUCTION

- 1. On October 31, 2023, Plaintiff filed a two-count Complaint against HBO and Co-Defendants, along with ten unnamed John Doe defendants, for (1) violating his rights of privacy and publicity under Missouri and New York law; and (2) civil conspiracy under Missouri law. This lawsuit is currently pending in the Circuit Court for the City of St. Louis, State of Missouri, as Case No. 2322-CC09423.
- 2. This lawsuit arises out of Episode 3, Season 2 of a documentary series called *The Vow*, which contains a recording of a call between Plaintiff and Defendant Isabella Constantino. (*See* Complaint, ¶¶ 25, 41–47). Plaintiff alleges that the call was recorded and used in *The Vow* without his consent. (*Id.*)
- 3. The state court issued summonses on November 2, 2023. HBO was the first defendant served; it received service on November 15, 2023.
- 4. As set forth more fully below, this action is one that HBO may remove to this Court under 28 U.S.C. § 1441(b). HBO has complied with the procedural requirements of 28 U.S.C. § 1446, and this Court would have original jurisdiction over the action under 28 U.S.C. § 1332(a) because complete diversity exists and the amount in controversy exceeds \$75,000.

TIMELINESS OF REMOVAL

5. HBO was served on November 15, 2023, triggering a thirty-day removal period. *See Harris v. Monumental Life Ins. Co.*, 2006 WL 1663510, at *3 (E.D. Mo. 2006). Therefore, the thirty-day period expires on December 15, 2023.

- 6. No named defendant has filed any responsive pleadings in the Circuit Court for the City of St. Louis, State of Missouri prior to filing this Notice of Removal.
 - 7. The action is thus timely removed pursuant to 28 U.S.C. § 1446(b)(1).

CONSENT TO REMOVAL

8. All served defendants have joined in or consented to the removal of this action. *Id.* § 1446(b)(2). Only defendants Noujaim and Amer have not been served.

COMPLIANCE WITH REMOVAL PROCEDURES

- 9. Pursuant to 28 U.S.C. § 1446(d) and E.D. Mo. Rules 2.02 and 2.03, copies of the following are attached to this Notice of Removal:
 - a. The complete file from the State Court, all summons and return of summons (if any), process, pleadings, and orders served upon HBO in the case, is attached hereto as Exhibit A.
 - b. The Original Filing Form is attached hereto as Exhibit B.
 - c. The Civil Cover Sheet is attached hereto as <u>Exhibit C</u>.
 - 10. The Disclosure Statement will be filed promptly as required by E.D. Mo. Loc. Rs. 2.02, 2.09.

GROUNDS FOR REMOVAL BASED ON DIVERSITY

- 11. Under 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending."
- 12. Removal based on diversity jurisdiction is proper where: (1) the action is between citizens of different states; and (2) the amount in controversy exceeds \$75,000 exclusive of interest and costs. 28 U.S.C. §§ 1332(a), 1441(b).

- 13. Removal of this action is proper under 28 U.S.C. §§ 1441(a) and 1332(a) because complete diversity of citizenship exists between Plaintiff and all Defendants and the amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs.
 - 14. Plaintiff is a citizen of Missouri. (Complaint ¶ 2.)
- 15. Defendant Home Box Office, Inc. is a citizen of the State of Delaware, where it is incorporated, and of the State of New York, where its principal place of business is located. 28 U.S.C. § 1332(c).
 - 16. Co-Defendants' citizenship is as follows:
 - (a) Defendant The Othrs Licensing Corp. is citizen of the State of Florida, where it is incorporated, and of the State of New York, where its principal place of business is located. 28 U.S.C. § 1332(c).
 - (b) Defendant Karim Amer is a citizen of the State of New York. He does not reside in the State of Missouri.
 - (c) Defendant Jehane Noujaim is citizen of the State of New York. She does not reside in the State of Missouri.
 - (d) Defendant The Othrs, LLC, is a limited liability company whose sole members are Defendants Amer and Noujaim. It is thus a citizen of the State of New York. *See OnePoint Sols.*, *LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007) ("An LLC's citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members.")
 - (e) Defendant The Square, LLC is a limited liability whose sole member is Noujaim Films, Inc., a New York corporation whose principal place of business is in New York. It is thus a citizen of the State of New York. *See id.*
 - (f) Defendant Isabella Constantino is a citizen of the State of New York. She does not reside in the State of Missouri.
 - (g) Defendants John Does 1–10, as parties with fictitious names, may be disregarded in assessing diversity. 28 U.S.C. § 1441(b)(1).

- 17. Complete diversity thus exists under 28 U.S.C. § 1332(a) because "no defendant holds citizenship in the same state where any plaintiff holds citizenship." *OnePoint Sols.*, 486 F.3d at 346; *see also* 28 U.S.C. § 1332(a)(1).
- 18. The Complaint seeks damages "in excess of \$75,000." (Compl. at 11, wherefore cl. 2). As such, the amount in controversy thus exceeds \$75,0000. See 28 U.S.C. § 1446(c)(2) ("If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy...").

FILING OF REMOVAL PAPERS

19. Pursuant to 28 U.S.C. § 1446(d) and E.D. Mo. Loc. R. 2.03, written notice of removal of this case is being given simultaneously to Plaintiff, and a Notice of Filing Notice of Removal is being filed with the State Court. HBO will promptly file proof of filing a notice with the Clerk of the state court and proof of service on all adverse parties.

CONCLUSION

Plaintiff is a citizen of Missouri, and no defendant is also a citizen of Missouri. Moreover, the amount in controversy exceeds \$75,000, exclusive of costs and interests, and, therefore, HBO. has met its burden to show that removal is proper.

WHEREFORE, Defendant Home Box Office, Inc. removes this case to the United States District Court for the Eastern District of Missouri, respectfully requests that no further proceedings be had in the Circuit Court for the City of St. Louis, State of Missouri, and prays for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: December 15, 2023 By: /s/ Joseph E. Martineau

Joseph E. Martineau, #32397MO Kolten C. Ellis, #74451MO

LEWIS RICE LLC

600 Washington Avenue, Suite 2500

St. Louis, Missouri 63101 Telephone: (314) 444-7600 Facsimile: (314) 612-2042 jmartineau@lewisrice.com kellis@lewisrice.com

Attorneys for Home Box Office, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 15th day of December, 2023, a true copy hereof was served via electronic mail and U.S. mail, first-class postage prepaid, on the following:

Marc Elliot 5655 Pershing Ave, Apt. 529 St. Louis, MO 63112 Telephone: (314) 252-0579 marc@marcelliot.com

Plaintiff, pro se

/s/ Joseph E. Martineau

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12/12/2023

Corporation Served

Document ID - 23-SMOS-4507; Served To - THE SQUARE LLC; Server - ; Served Date - 06-DEC-23; Served Time - 00:00:00;

Service Type - Special Process Server; Reason Description - Served

Affidavit Special Process Serv

affidavit of service

12/04/2023

Return Service - Other

Document ID - 23-SMOS-4131; Served To - THE SQUARE LLC; Server - ; Served Date - 04-DEC-23; Served Time - 00:00:00;

Service Type - Special Process Server; Reason Description - Other

Summons Returned Non-Est

Document ID - 23-SMOS-4128; Served To - AMER, KARIM; Server - ; Served Date - 04-DEC-23; Served Time - 00:00:00; Service

Type - Special Process Server; Reason Description - Non-est

Summons Returned Non-Est

Document ID - 23-SMOS-4127; Served To - NOJAIME, JEHANE; Server -; Served Date - 04-DEC-23; Served Time - 00:00:00;

Service Type - Special Process Server; Reason Description - Non-est

Summons Personally Served

Document ID - 23-SMOS-4132; Served To - CONSTANTINO, ISABELLA; Server - ; Served Date - 04-DEC-23; Served Time -

00:00:00; Service Type - Special Process Server; Reason Description - Served

Affidavit Special Process Serv

affidavit

12/01/2023

Alias Summons Issued

Document ID: 23-SMOS-4507, for THE SQUARE LLC.

Alias Summons Issued

Document ID: 23-SMOS-4506, for AMER, KARIM.

Alias Summons Issued

Document ID: 23-SMOS-4505, for NOJAIME, JEHANE.

Request Filed

REQUEST FOR ALIAS SUMMONS ON DEFENDANTS JEHANE NOJAIME, KARIM AMER, AND THE SQUARE LLC

Filed By: MARC BRANDAN ELLIOT

11/29/2023

Affidavit Filed

AFFIDAVIT OF SERVICE RETURN ON ISABELLA CONSTANTINO Filed By: MARC BRANDAN ELLIOT



Affidavit Filed

Casease234c2360160163EP DDoc##:13-1 FFeled12/2/55/23 PRage210 65 76aPatre #2 8: 88

AFFIDAVIT OF NON SERVICE/ BAD ADDRESS ON DEFENDANT JEHANE NOJAIM

Filed By: MARC BRANDAN ELLIOT

Affidavit Filed

AFFIDAVIT OF SERVICE ON DEFENDANT THE SQUARE LLC

Filed By: MARC BRANDAN ELLIOT

Affidavit Filed

AFFIDAVIT OF NON SERVICE RETURN ON DEFENDANT KARIM AMER

Filed By: MARC BRANDAN ELLIOT

11/27/2023

Corporation Served

Document ID - 23-SMOS-4129; Served To - THE OTHRS LLC; Server - ; Served Date - 27-NOV-23; Served Time - 00:00:00;

Service Type - Other; Reason Description - Served

Corporation Served

Document ID - 23-SMOS-4130; Served To - THE OTHRS LICENSING CORP; Server - ; Served Date - 27-NOV-23; Served Time -

00:00:00; Service Type - Other; Reason Description - Served

Notice of Service

2322-CC09423

Notice of Service

notice of service

11/17/2023

Summons Personally Served

Document ID - 23-SMOS-4126; Served To - HBO HOME ENTERTAINMENT CORP; Server - ; Served Date - 15-NOV-23; Served Time - 14:45:00; Service Type - Special Process Server; Reason Description - Served; Service Text - ROBIN HUTT BANKS

MANAGING AGENT

11/08/2023

Jury Trial Scheduled

Scheduled For: 04/22/2024; 9:00 AM; ELIZABETH BYRNE HOGAN; City of St. Louis

11/02/2023

Correspondence Filed

A LETTER MAILED TO PLAINTIFF WITH 2 COPIES OF SUMMONS AND A COPY OF PETITION TO SEND TO NEW CASTLE COUNTY, DE, THE COUNTY OF NEW YORK, NY, MIAMI-DADE COUNTY, FL, BROOKLYN COUNTY, NY, AND ERIE COUNTY, NY FOR SERVICE ON DEFENDANTS

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4132, for CONSTANTINO, ISABELLA.

Summ Issd-Circ Pers Serv O/S

Document ID: 23-SMOS-4131, for THE SQUARE LLC.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4130, for THE OTHRS LICENSING CORP.

Summ Issd-Circ Pers Serv O/S

Document ID: 23-SMOS-4129, for THE OTHRS LLC.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4128, for AMER, KARIM.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4127, for NOJAIME, JEHANE.

Summ Issd-Circ Pers Serv O/S

Document ID: 23-SMOS-4126, for HBO HOME ENTERTAINMENT CORP.

Judge/Clerk - Note
SUMBRAGE FENDON: ##DINGLE FENDON: ##DI

10/31/2023

Confid Filing Info Sheet Filed
Filed By: MARC BRANDAN ELLIOT
Pet Filed in Circuit Ct

Filed By: MARC BRANDAN ELLIOT Judge Assigned

MISSOURI CIRCUIT COURT TWENTY-SECOND JUDICIAL CIRCUIT (City of St. Louis)

Commission

))
COMPLAINT FOR DAMAGES
Case No. 2322-CC09423
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COMPLAINT

Plaintiff Marc Elliot, pro se, files this COMPLAINT and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction and venue are proper and lie with Court pursuant to Mo. Rev. Stat. § 508.010.

PARTIES

- 2. Plaintiff Marc Elliot is a resident of Missouri and was at all times relevant to this Complaint. Plaintiff Marc Elliot currently resides at 5655 Pershing Ave, Apt 529, St. Louis, MO 63112.
- 3. Defendant HBO Home Entertainment (HBO) is a Delaware corporation. HBO broadcast

 The Vow for commercial gain. Upon information and belief the Defendant HBO's

- registered agent is The Corporation Trust Company located at Corporation Trust Center 1209 Orange St, Wilmington, DE 19801.
- 4. Defendant Jehane Noujaim, upon information and belief, is a resident of New York.
 Noujaim is a coproducer and director of *The Vow*. Noujaim "personally directed most of Part II's episodes herself." See Sam Adams, *The Vow*'s Co-Creator on Why It Was Never Just a "Sex Cult" Documentary, Slate, November 21, 2022,
 https://slate.com/culture/2022/11/vow-nxivm-keith-raniere-season-2-finale.html. Upon information and belief the Defendant Jehane Noujaim lives at 14 E. 4th, Unit 1107, New York, 10002.
- 5. Defendant Karim Amer, upon information and belief is a resident of New York. Amer is a coproducer and director of *The Vow*. Upon information and belief the Defendant Karim Amer lives at 14 E. 4th, Unit 1107, New York, 10002.
- 6. Noujaim and Amer were spouses at all times relevant to this Complaint.
- 7. Defendant The Othrs LLC (a Florida limited liability company) controlled by Defendants Noujaim and Amer created specifically to facilitate the filming and distribution of rights to *The Vow* for commercial gain. Upon information and belief the Defendant The Othrs LLC's registered agent is Lee J. Osiason and is located at 201 Alhambra Circle, Suite 1205, c/o Lee J. Osiason, Coral Gables, FL 33134.
- 8. Defendant The Othrs Licensing Corp. (a Florida corporation) controlled by Defendants Noujaim and Amer created specifically to facilitate the filming and distribution of rights to *The Vow* for commercial gain. Upon information and belief the Defendant The Othrs Licensing Corp's registered agent is Lee J. Osiason and is located at 201 Alhambra Circle, Suite 1205, c/o Lee J. Osiason, Coral Gables, FL 33134

- 9. Defendant The Square, LLC (a New York limited liability company) is controlled by Defendants Noujaim and Amer and is listed as the "Producer" in Release Agreement.
 Upon information and belief the Defendant The Square, LLC's registered agent is Lisa
 Wisely and is located at 160 Van Brunt St., Third FL, Brooklyn, NY 11231
- 10. Defendant Isabella Constantino is a New York resident. Upon information and belief the Defendant Isabella Constantino lives at 625 Lafayette Ave, Buffalo, NY 14222.
- 11. Defendant John Does 1-10 are unknown to the Plaintiff at this time. Plaintiff, upon information and belief states that others materially assisted named Defendants in violating his right of publicity as alleged in the Complaint. Such Doe defendants are likely to be identified in discovery and will be named in their legal capacity upon such being ascertained by Plaintiff.

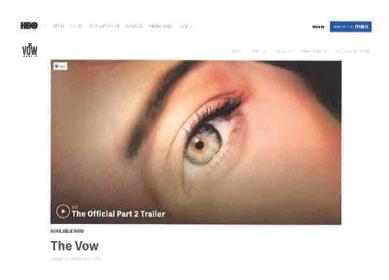
FACTS

- 12. Plaintiff was a member of a self-help organization known as NXIVM which practiced talk therapy and provided self-help courses which he found useful in overcoming his Tourette's Syndrome..
- 13. Defendant Noujaime specifically addressed the NXIVM approach to dealing with Tourette's directly targeting Plaintiff based on his experience with NXIVM. <u>See Sam Adams</u>, <u>The Vow's Co-Creator on Why It Was Never Just a "Sex Cult" Documentary</u>, Slate, November 21, 2022,
 - https://slate.com/culture/2022/11/vow-nxivm-keith-raniere-season-2-finale.html.
- 14. NXIVM was co-founded by Keith Raniere.

- **15.** Raniere was involved in a legal battle with the United States government and was ultimately charged and convicted of federal criminal charges.
- **16.** Raniere's criminal case and that of several famous co-defendants brought attention and publicity to NXIVM.
- 17. Raniere's criminal case culminated in a high-profile jury trial in the Eastern District of New York in 2019.
- 18. Nine weeks before Raniere's trial the Government alleged they had found child pornography on a hard drive seized during a search of Raniere's residence.
- 19. This created even greater attention to the case, brought new charges against Raniere, and led Raniere's co-defendants to plead guilty.
- 20. Raniere is currently challenging his conviction on grounds of newly discovered evidence, supported by seven forensics experts, that the metadata of the alleged child pornography evidence, which aged the subject of photos to 15, was extensively doctored, and multiple government personnel appear to be involved in this fraud. See *United States v. Raniere*, 18-cr-204, Eastern District of New York, ECF. Nos 1169, 1176, 1192, 1213, and 1223.
- 21. As a result of this publicity, Defendants Noujaim and Amer, who are documentary filmmakers, began production of a documentary, eventually to become known as *The Vow*, about NXIVM on or about May of 2017.
- **22.** Defendants Noujaim and Amer control, manage and own the companies responsible for producing, directing, filming and distributing their documentaries, including *The Vow.*
- 23. The companies controlled by Defendants Noujaim and Amer include The Othrs LLC, The Othrs Licensing Corp., The Square LLC (collectively "Othrs") which are each named as a defendant in the action.

- **24.** On or about October 2017 through February 2018, Plaintiff engaged in a call transmitted over technology utilized in interstate commerce with Defendant Isabella Constantino concerning NXIVM (the "Constantino call").
- 25. Defendant Constantino knew that Plaintiff was unaware of the filming of the call, had not given consent for the airing of the call, and that such audio and visual production would be used by other defendants for commercial gain
- **26.** Plaintiff was approached by Defendants Noujaim and Amer to participate in Season 2 of *The Vow* on or about July 11, 2020.
- 27. Plaintiff sent the signed Release Agreement to Defendants Noujaim and Amer by email on September 18, 2020. See Exhibit 1.
- 28. The operative language of the Agreement stated "I consent and give my permission to The Square LLC (the "Producer," which, as referenced in this consent and release, includes the Producer's affiliates, successors, licensees and assigns), to interview, film, photograph and record me starting July 11th, 2020 (collectively, the "Footage"), in
- **29.** connection with the Forgotten Ones movement, and to use the Footage and my name, voice, likeness and biography in Producer's documentary series about NXIVM (the "Documentary Series").
- **30.** The agreement specifically addressed only those times after July 11, 2020.
- **31.** Defendants Noujaim and Amer knew, at the time Plaintiff signed the release, that the 2018 Constantino call footage existed.
- **32.** Defendants Noujaim and Amer used professional videography and sound equipment to video and audio record the call with Constantino's permission intending to use it in a commercially produced and released documentary about NXIVM and its members.

- **33.** Defendants Noujaim and Amer never disclosed the existence of the Constantino call to Plaintiff and it was only upon the airing of season 2, episode 3 of *The Vow* that Plaintiff became aware of its existence.
- **34.** Plaintiff never provided knowing and voluntary consent to Defendants Noujaim and Amer of Defendant HBO or any of their agents to air the Constantino call footage.
- **35.** Defendants Noujaim and Amer began filming Plaintiff on July 11, 2020, and continued through on or about September 2021.
- **36.** HBO entered into an agreement with Defendants Noujaim and Amer and their companies to air *The Vow* for compensation.
- **37.** Upon information and belief, HBO's legal department reviewed the episodes prior to airing and also reviewed Plaintiff's Release Agreement.
- **38.** Plaintiff appeared in *The Vow* season two, episode three which aired on October 31, 2022 on HBO behind a paywall for commercial gain.
- **39.** The Vow is available for viewing behind a paywall and has been at all times relevant to this Complaint in Missouri.



- **40.** The episode which includes Plaintiff, as referenced by paragraph 38 above, continues to air on HBO and is currently available behind a paywall for viewing by the general public, making exhibition use for commercial gain.
- 41. Plaintiff was located in New York during the Constantino call.
- **42.** Upon information and belief, Constantino was located in New York when the Constantino call was recorded.
- **43.** New York is a one-party consent state with relation to wiretapped conversations transmitted electronically.
- **44.** Without Plaintiff's knowledge or consent the call with Constantino was recorded by videographic and audio means.
- 45. Plaintiff had and continues to have an expectation of privacy in the Constantino call.
- **46.** Upon information and belief, Constantino permitted John Doe defendants to record the call for future use in a video documentary production about NXIVM which was produced and broadcast as *The Vow*.
- **47.** Upon information and belief, Constantino and the Doe defendants knew that Plaintiff did not consent to the recording and did not waive any right to privacy in his voice, name and identification for the commercial use of the recording either by video or audio production.
- **48.** There is no consent and release from Plaintiff to any party that waives his right to privacy in the Constantino call.

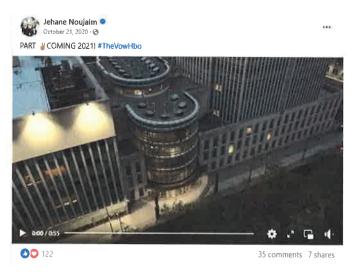
- **49.** Upon information and belief, Defendant HBO reviewed the July 11, 2022 Release Agreement signed by Plaintiff and knew that the Constantino call was not covered by the agreement.
- 50. Upon information and belief, Defendants The Square LLC (State LLC), The Othrs LLC (a Florida LLC), and The Othrs Licensing Corp. (a Florida corporation) by and through their members Defendants Noujaim and Amer solicited and marketed the broadcast of *The Vow* specifically season two, episode three to Defendant HBO including the Constantino call broadcast to the public without Plaintiff's consent.
- 51. Upon information and belief, the Defendants collectively conspired to broadcast the Constantino call in violation of Plaintiff's right to privacy with full knowledge that Plaintiff had neither consented nor waived his right to privacy in the call.
- **52.** Defendants individually and collectively gained a commercial advantage from the use of Plaintiff's name, identity and voice without his consent.

COUNT I RIGHT OF PUBLICITY AS TO ALL DEFENDANTS

- **53.** Paragraphs 1 through 51 are incorporated by reference as if more fully stated herein.
- **54.** Plaintiff has a right to privacy and a right of publicity in Missouri. See *Doe v. TCI Cablevision*, 110 S.W.3d 363 (Mo. 2003).
- 55. Plaintiff has a statutory right of privacy in New York to his name, portrait, picture, or voice being used in a film or television production. See N.Y. Civ. Rights Law § 51.
- **56.** Defendants, jointly and severally, used Plaintiff's voice, likeness and name to gain a commercial advantage for profit in a video production, *The Vow*, aired on HBO beginning on October 31, 2022 and continuing to present.

57. The Vow was a commercial success continuing to generate revenue for the Defendants, as acknowledged by Defendant Noujaim on her Facebook page.









58. Plaintiff was damaged by the publication, without his consent, of the Constantino call.

COUNT II CIVIL CONSPIRACY AS TO ALL DEFENDANTS

- 59. Paragraphs 1 through 57 are incorporated by reference as if more fully stated herein.
- **60.** Defendants conspired, aided and abetted and otherwise colluded with each other individually and collectively to knowingly collect and publish for commercial gain the identity, likeness and voice of Plaintiff without his consent or any legal justification.

61. Defendants conspired with an unlawful objective to broadcast Plaintiff's identity and voice in season two, episode three of *The Vow* in order to increase publicity and continue

their commercial gain with knowledge that Plaintiff had not consented to his identity and

likeness from the Constantino call being broadcast.

62. Upon information and belief, Defendants collaborated jointly and severally to publish the

identity and voice of Plaintiff without his consent in relation to the Constantino call by in

person meetings and electronic means.

63. Defendants engaged in the overt act of publishing the Constantino call without the

consent of Plaintiff by inducing Plaintiff to consent to filming and use of his likeness,

name, image and voice on or after July 11, 2020, with full knowledge of the Constantino

call.

64. Plaintiff was damaged by the publication, without his consent, of the Constantino call.

WHEREFORE,

1. Plaintiff demands a trial by jury.

2. Plaintiff seeks an award of damages in excess of \$75,000 to be determined by proof at

trial against each and every Defendant, jointly and severally.

3. All other remedies allowed by law.

DATED this 31st day of October 2023.

Sworn to and subscribed before me this <

date of october

2023

Witness my hand and official seal.

Notary Public Bas

Marc Elliot

Defendant, pro se

5655 Pershing Ave, Apt 529

Respectfully submitted,

St. Louis, MO 63112

marc@marcelliot.com

314-252-0579

BARBARA D. RENFROW
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Leuis City
My Commission Empires: May 31; 2024
Commission Number: 20606492

EXHIBIT 1

THE SQUARE LLC - Producer

CONSENT AND RELEASE

I consent and give my permission to The Square LLC (the "Producer," which, as referenced in this consent and release, includes the Producer's affiliates, successors, licensees and assigns), to interview, film, photograph and record me starting July 11th, 2020 (collectively, the "Footage"), in connection with the Forgotten Ones movement, and to use the Footage and my name, voice, likeness and biography in Producer's documentary series about NXIVM (the "Documentary Series"), its exploitation in all versions, formats and media worldwide in perpetuity, the advertising and promotion of the Documentary Series, and otherwise in connection with the subject matter. Producer shall have the right to assign its rights hereunder to any person, corporation or entity. Following release of the Documentary Series, I may request in writing and Producer will use good faith efforts to cause any Footage featuring me in connection with the Forgotten Ones movement which is not used in the Documentary Series to be licensed to me for historical purposes or any other purposes that are mutually agreed upon in writing, on terms to be negotiated in good faith. The above provision shall be subject to the approval of the distributor of the Documentary Series and any rights of other subjects contained in the Footage.

I know that the subject matter of the Documentary Series is sensitive and will not disclose to anyone the Documentary Series' existence or any other information concerning it, including my participation in the interview. I will not give any interviews or authorize any publicity relating to the Documentary Series without Producer's prior written approval.

I agree not to make any claim of any nature against the Producer or any third party relating to the Documentary Series and your filming of me, including but not limited to claims for moral rights, defamation, privacy, publicity, or payment. I agree that I do not have any right of inspection or approval of the uses of the Footage pursuant to this consent and release. I agree to jurisdiction of state and federal courts located in New York, New York that New York law shall govern this release, and hereby specifically waive the right to seek equitable or injunctive relief or to otherwise enjoin, restrain, or interfere with the production, distribution, exploitation, promotion, or exhibition of the Documentary Series or use of any of the above grants.

I confirm that I am not basing my consent and release on any information or statements other than what is contained herein. Since I understand that Producer is relying on the consent and release being granted herein, including making binding contractual commitments and incurring significant expense, I agree that it cannot be revoked.

Signature:	Man 10
Printed: Ma	arc Elliot
Address:	99 Wall St, Suite #1958, New York, 10005
Email:	marc@marcelliot.com

Cascaste 23: 26-01-01116 SEPD 1000 #: #1-3-1 File ited: 21/25/13/23 Pagaget: 725 fof 578 agage 12: #231.03

THE SQUARE LLC - Producer

CONSENT AND RELEASE

Date:			





Judge or Division: ELIZABETH BYRNE HOGAN		Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIC	OT vs.	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAIN Nature of Suit: CC Other Tort	NMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
-			(Date File Stamp)
S		nal Service Outside the State of Missour xcept Attachment Action)	i
The State of Missouri to:			
The otate of Missouri to.	Alias:	WILLIA COM	
THE CORPORATION TRUST 1209 ORANGE ST WILMINGTON, DE 19801		NEW CASTLE	COUNTY, DE
COURT SEAL OF	which is attached, and to plaintiff/petitioner at the you, exclusive of the da taken against you for the	appear before this court and to file your pleading to to serve a copy of your pleading upon the attorney above address all within 30 days after service of the ay of service. If you fail to file your pleading, judgmented the relief demanded in this action.	for the his summons upon ent by default will be
CITY OF ST LOUIS	November 2	2, 2023 Thomas Ploep	myer
	Date Further Information:	Clerk	O
	Officer's	or Server's Affidavit of Service	
2. My official title is3. I have served the adelivering a co	above Summons by: (check	one) is within the state or territory where the above summons one one ition to the defendant/respondent. on at the dwelling house or usual place of abode of the defendant.	(state).
with		, a person at least 18 years of age residing therein.	siendani/respondent
(for service on	a corporation) delivering a	copy of the summons and petition to (name)	(title).
in	County,	(state), on (date) at	(time).
Printed Na (Seal)	I am: (check one)	Signature of Sherif before me this (day) (may (may(may(may(may(may(may(may(may(may(may(may	onth) (year).
		Signature and Title	

Casease23-28-01-0116SEPD-000#:#1-3-1Fileith-d:21/251/3723P2Parae0208f-657192Partie119:#6106				
Service Fees Summons \$				
Non Est \$				
Mileage \$ (miles @ \$ per mile) Total \$				
See the following page for directions to officer making return on service of summons.				
Directions to Officer Making Return on Service of Summons				
A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.				
Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.	legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal,			
Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.				
Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."				
The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.				
Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.				





Judge or Division: ELIZABETH BYRNE HO	GAN	Case Number: 2322-CC09423			
Plaintiff/Petitioner: MARC BRANDAN ELLIC		Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529			
Defendant/Respondent: HBO HOME ENTERTAIN Nature of Suit: CC Other Tort	VS.	ST LOUIS, MO 63112 Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101			
	1	·	(Date File Stamp)		
Sı		al Service Outside the State of Missou			
The Oaks of Mineral Land		xcept Attachment Action)			
The State of Missouri to: 14 E 4TH ST UNIT 1107 NEW YORK, NY 10002	Alias:				
COURT SEAL OF	which is attached, and the plaintiff/petitioner at the	appear before this court and to file your pleading to serve a copy of your pleading upon the attorney above address all within 30 days after service of the your service. If you fail to file your pleading, judgment of the relief demanded in this action. 2, 2023	for the this summons upon		
CITY OF ST LOUIS _	November 2	2, 2023 Thomas Play	progen		
)	Date Further Information:	Cleřk	O.		
Officer's or Server's Affidavit of Service					
2. My official title is 3. I have served the a	above Summons by: (check ppy of the summons and pet of the summons and petition	ition to the defendant/respondent. on at the dwelling house or usual place of abode of the c, a person at least 18 years of age residing therein.	(state).		
		copy of the summons and petition to (name)			
in		(state), on(date) at			
		(0010) 01	(umo).		
	I am: (check one)	Signature of Sheri before me this (day) (make clerk of the court of which affiant is an officer. The judge of the court of which affiant is an officer. The provided the administer oaths in the state in which the affurmons. (use for out-of-state officer) the interpolation without the affirm oaths. (use for court-appointed states of the court of th	ffiant served the above		
		Signature and Title	- · · · · · · · · · · · · · · · · · · ·		

CasCasCe23:22-01/61116SEPD-0000#:#1-3-1Fileitled:21/25/18/23P28/egg-23-0f-6f5/1928/edget1-18:108 Service Fees				
Summons \$				
Non Est \$ (miles @ \$ per mile)				
Total \$				
See the following page for directions to officer making return on service of summons.				
Directions to Officer Making Return on Service of Summons				
A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.				
Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.				

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.





	<u>, </u>				
Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423				
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address:				
MARC BRANDAN ELLIOT	MARC BRANDAN ELLIOT				
	5655 PERSHING AVE				
	APT 529				
Vs.	ST LOUIS, MO 63112				
Defendant/Respondent:	Court Address:				
HBO HOME ENTERTAINMENT CORP	CIVIL COURTS BUILDING				
Nature of Suit:	10 N TUCKER BLVD				
CC Other Tort	SAINT LOUIS, MO 63101				
	,				
	(5 / 5" 0)				
	(Date File Stamp)				
	nal Service Outside the State of Missouri				
	except Attachment Action)				
The State of Missouri to: KARIM AMER					
Alias:					
14 E 4TH ST UNIT 1107 NEW YORK, NY 10002					
NEW TORK, NT 10002					
COURT SEAL OF You are summoned to	appear before this court and to file your pleading to the petition, copy of				
which is attached, and	to serve a copy of your pleading upon the attorney for the				
plaintiff/petitioner at the	e above address all within 30 days after service of this summons upon				
you, exclusive of the d	ay of service. If you fail to file your pleading, judgment by default will be				
	he relief demanded in this action				
	-The Menni				
CITY OF ST LOUIS November	2, 2023 Thomas Hoeppinger				
Date Court on Information	Clerk				
Further Information:					
Officer's	or Server's Affidavit of Service				
I certify that:					
I am authorized to serve process in civil actio	ns within the state or territory where the above summons was served.				
2. My official title is of County, (state).					
I have served the above Summons by: (check					
delivering a copy of the summons and pe					
	on at the dwelling house or usual place of abode of the defendant/respondent				
	, a person at least 18 years of age residing therein.				
(for service on a corporation) delivering a					
	(name) (title).				
other:	·				
Served at	(address)				
	(state), on (date) at (time).				
inCounty,	(state), on (date) at (time).				
	•				
Printed Name of Sheriff or Server	Signature of Sheriff or Server				
	before me this (day) (month) (year).				
	he clerk of the court of which affiant is an officer.				
	he judge of the court of which affiant is an officer.				
│	authorized to administer oaths in the state in which the affiant served the above				
	summons. (use for out-of-state officer)				
	authorized to administer oaths. (use for court-appointed server)				
	, , , , , , , , , , , , , , , , , , , ,				
	Signature and Title				

Carra	4 <u>~</u> ??! ∙&? &4 <i>\&</i> *!116 ೮		D 1 Eilfailb d: 21/10/21	5723 P 2Rang&430f66571828ad0811 \$:#\$01.10	
Service Fees) <u></u>		2023 Eachaile Hornorday (and 110	_
Summons \$_ Non Est \$_					
Mileage \$_ Total \$			miles @ \$	per mile)	
10tai \$_	See the follow	 ving page for direction	ons to officer making	return on service of summons.	
			•	Service of Summons	
refuses to rece	eive the copy of the office	e summons and p	etition when offere	dant/respondent. If any defendant/respondent ed, the return shall be prepared accordingly so on and the defendant's/respondent's refusal to	
Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.					
	pe made by an office such service is m		orized by law to se	erve process in civil actions within the state or	
Service may b "territory" for the	pe made in any stat he word "state."	e or territory of th	e United States. If	f served in a territory, substitute the word	
the person is a manner of ser	an officer or other	person authorized aracter of the affia	I to administer oath ant, and the affiant	rk, deputy clerk, or judge of the court of which hs. This affidavit must state the time, place, and t's authority to serve process in civil actions	
Service must I appear in cour 30 days after s	rt. The return shou	10 days nor more ld be made prom	e than 30 days from otly, and in any eve	m the date the defendant/respondent is to ent so that it will reach the Missouri court within	





Judge or Division: ELIZABETH BYRNE HO	GAN	Case Number: 2322-CC09423	*
Plaintiff/Petitioner: MARC BRANDAN ELLIC	oT vs.	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAIN		Court Address: CIVIL COURTS BUILDING	
Nature of Suit: CC Other Tort		10 N TUCKER BLVD SAINT LOUIS, MO 63101	
	*		(Date File Stamp)
Sı		nal Service Outside the State of Missou except Attachment Action)	
The State of Missouri to:	THE OTHRS LLC		
201 ALHAMBRA CIRCLE SU C/O LEE J OSIASON CORAL GABLES, FL 33134	Alias: ITE 1205	MIAMI-DADE	COUNTY, FL
COURT SEAL OF	which is attached, and the plaintiff/petitioner at the you, exclusive of the date.	appear before this court and to file your pleading to serve a copy of your pleading upon the attorney above address all within 30 days after service of the your service. If you fail to file your pleading, judgment relief demanded in this action.	for the this summons upon ent by default will be
CITY OF ST LOUIS	November 2	2, 2023 Thomas May	punger
	Further Information:	Clerk	0
	Officer's	or Server's Affidavit of Service	
 2. My official title is	above Summons by: (check py of the summons and pet of the summons and petition	ition to the defendant/respondent. on at the dwelling house or usual place of abode of the c, a person at least 18 years of age residing therein.	(state).
(for service on	a corporation) delivering a	copy of the summons and petition to(name)	(title).
			·
in	County,	(state), on (date) at	(time).
	I am: (check one)	Signature of Sheri before me this (day) (may the clerk of the court of which affiant is an officer. The judge of the court of which affiant is an officer. The provided to administer oaths in the state in which the affirm unmons. (use for out-of-state officer) uthorized to administer oaths. (use for court-appointed states)	fiant served the above
		Signature and Title)

	Casease23::22-01/6116SEPD-000#:#1-3-1Fileited:21/2515223P27age634f6571627ade119:#2112
	Service Fees Summons \$
	Total \$
_	See the following page for directions to officer making return on service of summons.
	Directions to Officer Making Return on Service of Summons
	A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.
	Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.
	Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.
	Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."
	The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.
	Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.





Judge or Division: ELIZABETH BYRNE HOGAN		Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	VS.	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMEN Nature of Suit: CC Other Tort	NT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Summ	ons for Person	al Service Outside the State of Misso	(Date File Stamp)
		xcept Attachment Action)	uii
_	E OTHRS LICENSING		
Alia: 201 ALHAMBRA CIRCLE SUITE 12 C/O LEE J OSIASON CORAL GABLES, FL 33134		MIAMI-DADE	E COUNTY, FL
whice whice plain you.	ch is attached, and t ntiff/petitioner at the , exclusive of the da en against you for th	appear before this court and to file your pleading to serve a copy of your pleading upon the attorned above address all within 30 days after service of a service. If you fail to file your pleading, judgree relief demanded in this action.	ey for the f this summons upon ment by default will be
CITY OF ST LOUIS	November 2	2, 2023 Thomas Moe	npinger
Furth	Date ner Information:	Clerk	
	Officer's	or Server's Affidavit of Service	
 2. My official title is	Summons by: (check the summons and petition summons and petition	ition to the defendant/respondent. on at the dwelling house or usual place of abode of the, a person at least 18 years of age residing thereir	(state). defendant/respondent
		copy of the summons and petition to(name)	
in	County,	(state), on (date) a	t (time).
Printed Name of S Subsc I ar (Seal)	cribed and sworn to be the cribed and sworn to be the cribed and c	Signature of She before me this(day)(e clerk of the court of which affiant is an officer. e judge of the court of which affiant is an officer. uthorized to administer oaths in the state in which the a	month) (year). affiant served the above
		Signature and Ti	tle

	Casease23-22-02-01/6116SEPDobod:#1-3-1Fileited:21/25/15723Parage2836f6576arade1#1:#34114	
	Service Fees	_
	Summons \$ Non Est \$	
	Mileage \$ (miles @ \$ per mile) Total \$	
	See the following page for directions to officer making return on service of summons.	
Directions to Officer Making Return on Service of Summons		
	A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.	
	Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.	
	Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.	
	Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."	
	The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.	
	Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.	



Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT vs.	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112
Defendant/Respondent:	Court Address:
HBO HOME ENTERTAINMENT CORP	CIVIL COURTS BUILDING
Nature of Suit:	10 N TUCKER BLVD
CC Other Tort	SAINT LOUIS, MO 63101
	(Date File Stamp)
	nal Service Outside the State of Missouri xcept Attachment Action)
The State of Missouri to: THE SQUARE LLC Alias:	
LISA WISLEY, RAGT 160 VAN BRUNT ST THIRD FL BROOKLYN, NY 11231	BROOKLYN COUNTY, NY
COURT SEAL OF You are summoned to	appear before this court and to file your pleading to the petition, copy of
which is attached, and	to serve a copy of your pleading upon the attorney for the
	e above address all within 30 days after service of this summons upon
you, exclusive of the day	ay of service. If you fail to file your pleading, judgment by default will be ne relief demanded in this action.
	TO W
CITY OF ST LOUIS November 2	2, 2023 Thomas Kloeppinger
Date Further Information:	Clerk
Officer's	or Server's Affidavit of Service
I certify that:	
 I am authorized to serve process in civil action My official title is 	ns within the state or territory where the above summons was served.
My official title is I have served the above Summons by: (check	ofCounty,(state).
delivering a copy of the summons and pe	tition to the defendant/respondent.
	on at the dwelling house or usual place of abode of the defendant/respondent
with (for service on a corporation) delivering a	, a person at least 18 years of age residing therein.
	(title).
Served-at	(address)
inCounty,	(state), on (date) at (time).
Printed Name of Sheriff or Server	Signature of Sheriff or Server
	before me this (day) (month) (year).
· · · · · · · · · · · · · · · · · · ·	ne clerk of the court of which affiant is an officer. ne judge of the court of which affiant is an officer.
	uthorized to administer oaths in the state in which the affiant served the above
(Seal) s	summons. (use for out-of-state officer)
∐ a	uthorized to administer oaths. (use for court-appointed server)
	Signature and Title

Service Fee	#cl aic/a -1276-101 S	1/61116\$EPD@nod:#1-3-1Fileided:21/251/8723Pdgag&CB&fd5716dgag@IB:#6116
Summons	\$	
Non Est	\$,
Mileage	\$	(miles @ \$ per mile)
Total	\$	
	See	the following page for directions to officer making return on service of summons.
	D	irections to Officer Making Return on Service of Summons
A conv of t	the summons	and petition must be served on each defendant/respondent. If any defendant/respondent

as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed quardian, by delivering a copy of the summons and petition to the guardian personally, (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.





			-
Judge or Division: ELIZABETH BYRNE HO	GAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIC	DT vs.	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent:		Court Address:	
HBO HOME ENTERTAIN	NMENT CORP	CIVIL COURTS BUILDING	
Nature of Suit: CC Other Tort		10 N TUCKER BLVD SAINT LOUIS, MO 63101	
OO Other Tort			
			(Date File Stamp)
S	ummons for Person	nal Service Outside the State of Missou	
		xcept Attachment Action)	
The State of Missouri to:	ISABELLA CONSTANTII Alias:	NO	
625 LAFAYETTE AVENUE BUFFALO, NY 14222	7	ERIE COUNT	Y, NY
COURT SEAL OF	which is attached, and the plaintiff/petitioner at the volumexclusive of the date.	appear before this court and to file your pleading to serve a copy of your pleading upon the attorney above address all within 30 days after service of by of service. If you fail to file your pleading, judgmer relief demanded in this action.	/ for the this summons upon tent by default will be
CITY OF ST LOUIS	November 2	the relief demanded in this action. 2, 2023 Clark	yringer
	Date Further Information:	Cleřk*	O
	Officer's	or Server's Affidavit of Service	
I certify that:			
2. My official title is3. I have served the adelivering a copy leaving a copy	above Summons by: (check ppy of the summons and pet of the summons and petitic	ition to the defendant/respondent. on at the dwelling house or usual place of abode of the o	(state). defendant/respondent
		, a person at least 18 years of age residing therein. copy of the summons and petition to	•
		(name)	
		(state), on (date) at	
	oounty,	(class), ciri	(timo).
Printed Na	me of Sheriff or Server	Signature of Sher	iff or Sonyor
	Subscribed and swo <u>rn</u> to	before me this (day) (n	month) (year).
	• • • • • • • • • • • • • • • • • • • •	ne clerk of the court of which affiant is an officer.	
(0 . #		ne judge of the court of which affiant is an officer. uthorized to administer oaths in the state in which the a	ffiant served the above
(Seal)	s	ummons. (use for out-of-state officer)	
	∐ a	uthorized to administer oaths. (use for court-appointed	server)
		Signature and Titl	e

Cas Service Fee Summons	easte23:203-01/01116SEPD
Non Est Mileage Total	\$(miles @ \$ per mile) \$
	See the following page for directions to officer making return on service of summons.
	Directions to Officer Making Return on Service of Summons the summons and petition must be served on each defendant/respondent. If any defendant/respondent
	receive the copy of the summons and petition when offered, the return shall be prepared accordingly so very the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to e same.
legally appleaving a contract person at	nall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a cointed guardian, by delivering a copy of the summons and petition personally to the individual or by copy of the summons and petition at the individual's dwelling house or usual place of abode with some least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



TWENTY-SECOND JUDICIAL CIRCUIT OF MISSOURI CITY OF ST. LOUIS

THOMAS KLOEPPINGER CIRCUIT CLERK

NOVEMBER 2, 2023

Cause Number: 2322-CC09423

Dear MR MARC ELLIOT

Please find enclosed herein, two (2) copies of the summons with attached Petition in regard to the above cause number.

You must forward both copies to the NEW CASTLE COUNTY, DE,
THE COUNTY OF NEW YORK, NY, MIAMI-DADE COUNTY, FL, BROOKLYN
COUNTY, & ERICCOUNTY, NY SHERIFF'S DEPARTMENT or other process
server in the county and state where you are attempting to serve the defendants.

As the summons must be served within thirty (30) days of issue date, it is very important that you do this as soon as possible or the summons will expire.

Sincerely,

THOMAS KLOEPPINGER

Circuit Clerk

'M MCMULLEN

Deputy Clerk

Plaintiff's/Petitioner's Attorney/Address:	22 JUDICIAL CIRCUIT
MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	CIBOUT OLERK'S OFFICE BY DEPUT
Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
	(Date File Stamp)
	/lissouri
MENT CORP	
NEW C	CASTLE COUNTY, DE
nppear before this court and to file your plot serve a copy of your pleading upon the above address all within 30 days after set yof service. If you fail to file your pleading relief demanded in this action.	e attorney for the ervice of this summons upon g, judgment by default will be
, 2023 / Amas	Blockstinger
	Clerk* U
or Server's Affidavit of Service	· · · · · · · · · · · · · · · · · · ·
	APT 529 ST LOUIS, MO 63112 Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101 All Service Outside the State of Rept Attachment Action) MENT CORP NEW Court and to file your pleading upon the above address all within 30 days after set of service. If you fail to file your pleading relief demanded in this action. 1, 2023

Officer's or Server's Affidavit of Service
Legitify that:
1 contry and
 I am authorized to serve process in civil actions within the state or territory where the above summons was served. My official title is PROCESS SERVER of NEW CASTLE County, DE (state).
3. I have served the above Summons by: (check one)
delivering a copy of the summons and petition to the defendant/respondent.
leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent.
with, a person at least 18 years of age residing therein.
(for service on a corporation) delivering a copy of the summons and petition to ROBIN HUTT BANKS (name) MANAGING AGENT (title).
other:
Served at 1209 ORANGE ST WILMINGTON DE 19801 (address)
in NEW CASTLE County, DE (state), on 11/15/2023 (date) at 2:45 PM (time).
GILBERT DEL VALLE BRANDYWINE PROCESS SERVERS, LTD PO BOX 1360 WILMINGTON, DE 19899 302-475-2600
Printed Name of Sheriff or Server Signature of Sheriff or Server
Subscribed and sworn to before me this15TH(day)NOV (month)2023 (year).
l am: (check one) the clerk of the court of which affiant is an officer.
the judge of the court of which affiant is an officer.
(Seal) NOTARY PUBLIC authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
STATE OF DELAWARE Delaward to administration the August appointed control
My Commission Expires on July 26, 2026
Signature and Title

١.	Service Feet Summons	\$		
	Non Est Mileage	\$(miles @ \$per mile)		
	Totai	\$		
		See the following page for directions to officer making return on service of summons.		

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

BRANDYWINE PROCESS SERVERS, LTD.

PO BOX 1360 Wilmington, DE 19899 302-475-2600 brandywineps@comcast.net www.wilmingtonprocessserver.com

INVOICE

BILL TO MARC BRANDON ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63101 INVOICE # 12796
DATE 11/15/2023
DUE DATE 12/15/2023
TERMS Net 30

i	DATE	CASE CAPTION	·			· · · · · · · · · · · · · · · · · · ·	AMOUNT	
Ben gen general des	11/15/2023	MARC BRANDON ELLIO SERVICE C/O CT	T V	HBO ENTERTA	AINMENT CO	ORP	99.00	
	••••			PAYMENT BALANCE DUI	3		99.00 \$0.00	

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT OF MISSOURI



Case No.: 2322-CC09423

MARC BRANDAN ELLIOT

類別 NOV 27 PM 1: 18

Plaintiff(s) / Petitioner(s)

v.

HBO HOME ENTERTAINMENT CORP. a Delaware corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORBP., a Florida corporation; The Square, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1-10

Defendant(s) / Respondent(s)

AFFIDAVIT OF SERVICE

I, David Diaz, being duly sworn, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

I served the following documents to The Othrs Licensing Corp in Miami-Dade County, FL on November 18, 2023 at 12:06 pm at 7525 Sunset Dr, Miami, FL 33143 by leaving the following documents with Lee Osiason who as Registered Agent is authorized by appointment or by law to receive service of process for The Othrs Licensing Corp.

Summons, Directions, Complaint for Damages, and Exhibit A

White Male, est. age 65+, glasses: N, Brown hair, 140 lbs to 160 lbs, 5' 6" to 5' 9". Geolocation of Serve: https://google.com/maps?q=25.7035840791,-80.3159791019

Photograph: See Exhibit 1

Proof Job #403426 Page 1

1sl Un S

Signature David Diaz +1 (786) 516-5514 Subscribed and sworn to before me this 21 day of

November, 23, by Amber Jo Martinez

Witness my hand and official seal.

Amber Jo Martinez

Notary Public

My commission expires: 10/09/2027

Notarized online using audio-video communication

Amber Jo Martinez
Electronic Notary Public
State of Colorado
Commission #: 20194038470
Commission Expires: 10/09/2027



Proof Job #403426 Page 3



Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address; MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529
Vs.	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD
Nature of Suit: CC Other Tort	SAINT LOUIS, MO 63101
,	(Date File Stamp)
	nal Service Outside the State of Missouri
	Except Attachment Action)
The State of Missouri to: THE OTHRS LICENSIN Allas:	GCORP
201 ALHAMBRA CIRCLE SUITE 1205 C/O LEE J OSIASON CORAL GABLES, FL 33134	MIAMI-DADE COUNTY, FL
which is attached, and plaintiff/petitioner at the	appear before this court and to file your pleading to the petition, copy of to serve a copy of your pleading upon the attorney for the e above address all within 30 days after service of this summons upon ay of service. If you fail to file your pleading, judgment by default will be he relief demanded in this action. 2, 2023 Clerk
CITY OF ST LOUIS November	2, 2023 / tomas /cloeppunger
Date Further Information:	CIGIX
Officer's	or Server's Affidavit of Service
I certify that: 1. I am authorized to serve process in civil actio	ns within the state or territory where the above summons was served.
My official title is I have served the above Summons by: (chec	of County, (state).
delivering a copy of the summons and petit leaving a copy of the summons and petit with	etition to the defendant/respondent. Ion at the dwelling house or usual place of abode of the defendant/respondent , a person at least 18 years of age residing therein. I copy of the summons and petition to
(for service on a corporation) delivering a Lee Osiason	a copy of the summons and petition to Registered Agent (title).
other:	
Served at7525 Sunset Dr, Miami, FL 33143	
inMiami-DadeCounty,	Florida (state), on 11/18/2023 (date) at 12:06 pm (time).
I am: (check one)	Signature of Sheriff or Server before me this
(Seal)	the judge of the court of which afflant is an officer. authorized to administer oaths in the state in which the afflant served the above summons. (use for out-of-state officer) authorized to administer oaths. (use for court-appointed server)
	authorized to authinister daths. (use for court-appointed server)

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT OF MISSOURI



Case No.: 2322-CC09423

MARC BRANDAN ELLIOT

2929 NOY 27 PM 1: 18

Plaintiff(s) / Petitioner(s)

v.

HBO HOME ENTERTAINMENT CORP, a Delaware corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; The Square, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1-10

Defendant(s) / Respondent(s)

AFFIDAVIT OF SERVICE

I, David Diaz, being duly sworn, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

I served the following documents to The OTHRS LLC in Miami-Dade County, FL on November 18, 2023 at 12:04 pm at 7525 Sunset Dr, Miami, FL 33143 by leaving the following documents with Lee Osiason who as Registered Agent is authorized by appointment or by law to receive service of process for The OTHRS LLC.

Summons, Directions, Complaint for Damages, and Exhibit 1

White Male, est. age 65+, glasses: N, Brown hair, 160 lbs to 180 lbs, 5' 6" to 5' 9". Geolocation of Serve: https://google.com/maps?q=25.7034472958,-80.3162113233

Photograph: See Exhibit 1

Page 1

Signature

David Diaz +1 (786) 516-5514 Subscribed and sworn to before me this 21 day of

November , 23 , by Amber Jo Martinez

Witness my hand and official seal.

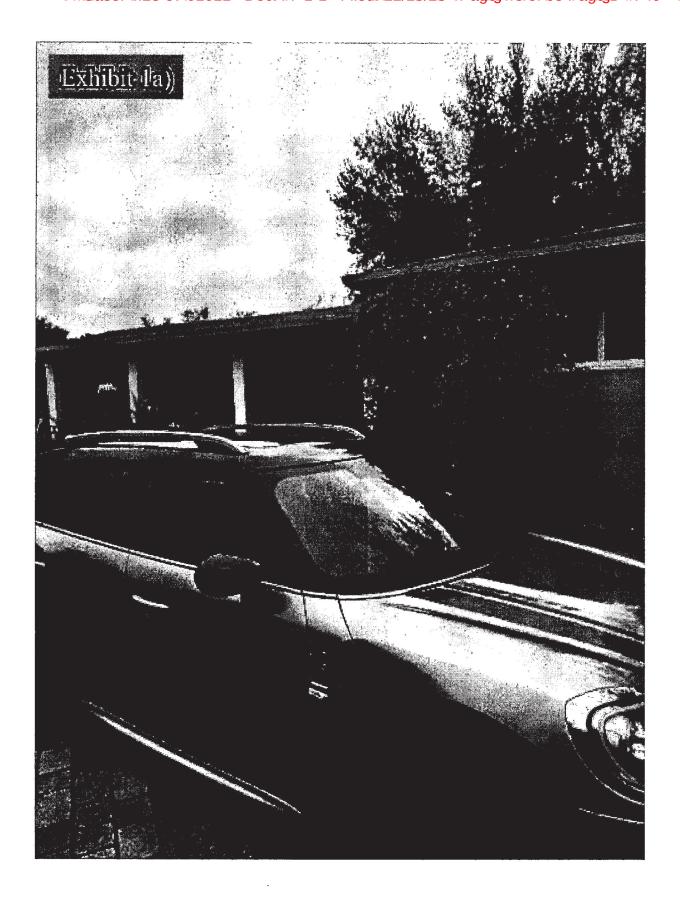
Amber Jo Martinez

Notary Public

My commission expires: 10/09/2027

Notarized online using audio-video communication

Amber Jo Martinez
Electronic Notary Public
State of Colorado
Commission #: 20194038470
Commission Expires: 10/09/2027



Proof Job #403427 Page 3



Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE	
Vs.	APT 529	
Defendant/Respondent:	Court Address:	
HBO HOME ENTERTAINMENT CORP Nature of Suit:	CIVIL COURTS BUILDING 10 N TUCKER BLVD	
CC Other Tort	SAINT LOUIS, MO 63101	•
	(Da	te File Stamp)
	nal Service Outside the State of Missouri Except Attachment Action)	No - Ho Guiney
The State of Missouri to: THE OTHRS LLC Alias:		
201 ALHAMBRA CIRCLE SUITE 1206 C/O LEE J OSIASON CORAL GABLES, FL 33134	MIAMI-DADE COUN	TY, FL
which is attached, and plaintiff/petitioner at the	appear before this court and to file your pleading to the pet to serve a copy of your pleading upon the attorney for the se above address all within 30 days after service of this sumilar of service. If you fall to file your pleading, judgment by dethe relief demanded in this action. 2, 2023	mons upon
November	2 2022 I formas llockshime	en.
CITY OF ST LOUIS NOVEMBER	Z, 2023	
CITY OF ST LOUIS Date Further Information:	Clerk	
Further Information: Officer's	Clerk Clerk	
Further Information: Officer's I certify that:	s or Server's Affidavit of Service	ved
Further Information: Officer's I certify that: 1. I am authorized to serve process in civil action 2. My official title is 3. I have served the above Summons by: (check in the delivering a copy of the summons and petits in the summons are summons as a summon and petits in the summons are summons as a summon and petits in the summons are summons as a summon and petits in the summons are summons as a summon and petits in the summon and peti	ons within the state or territory where the above summons was sence	ved. (state).
Further Information: Officer's I certify that: 1. I am authorized to serve process in civil action 2. My official title is 3. I have served the above Summons by: (check improved the summons and petitive in a copy of the summons and petitive in it is given by the summons and petitive in	ons within the state or territory where the above summons was senofCounty,sk one) etition to the defendant/respondent.	ved. (state).
Further Information: Officer's I certify that: 1. I am authorized to serve process in civil action 2. My official title is 3. I have served the above Summons by: (check in the delivering a copy of the summons and petitive with (for service on a corporation) delivering a Lee Osiason other:	ons within the state or territory where the above summons was sence of	ved. (state). i/respondent (title).
Further Information: Officer's I certify that: 1. I am authorized to serve process in civil action 2. My official title is 3. I have served the above Summons by: (chect delivering a copy of the summons and petit with (for service on a corporation) delivering a Lee Osiason other: Served at 7525 Sunset Dr, Miami, FL 3314	ons within the state or territory where the above summons was sent of County,	ved(state). i/respondent(title)(address)
Further Information: Officer's I certify that: 1. I am authorized to serve process in civil action 2. My official title is 3. I have served the above Summons by: (check delivering a copy of the summons and petit with	ons within the state or territory where the above summons was sence of County,	ved(state). i/respondent(title)(address)
Further Information: Officer's I certify that: 1. I am authorized to serve process in civil action 2. My official title is 3. I have served the above Summons by: (check in the delivering a copy of the summons and petitive with (for service on a corporation) delivering a Lee Osiason other: Served at7525 Sunset Dr, Miami, FL 3314 in Miami-Dade County, Printed Name of Sheriff or Server Subscribed and sworn to	ons within the state or territory where the above summons was sending of	ved. (state). Vrespondent (title). (address)
Further Information: Officer's	ons within the state or territory where the above summons was sence of	ved(state). Vrespondent(title)(address) DM(time).

AFFIDAVIT OF NON-SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	BY Job: DEPUTY DEPUTY
Plaintiff / Petitioner: MARC BRANDAN ELL	ЮТ	Defendant / Respondent: HBO HOME ENTERTAINMENT COR	RP.
Received by: LLS		For: MARC BRANDÁN ELLIÓT	
To be served upon: KARIM AMER			

I, Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

KARIM AMER

Address:

14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012

Date & Time:

Manner of Service: NON - SERVICE / BAD ADDRESS NOVEMBER 16, 2023 // 7:13 pm

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIBIT 1

Additional Comments: As per building conclerge, no one by name is listed within building directory.

Subscribed and sworn to before me by the affiant who is

personally known to me.

LLS

41 Schermerhorn Street Suite 318

Brooklyn, NY 11201 800 695-7480

Notary Public

Date

ARLETTE SIMMONS Notary Public, State of New York No: 01515162427 Qualified in New York County

My Commission Expires November 05, 2024

AFFIDAVIT OF SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	CIRCUIT CLERK'S OFFICE
Plaintiff / Petitioner		Defendant / Respondent: HBO HOME ENTERTAINMENT	
Received by: LLS		For: MARC BRANDAN ELLIOT	·
To be served upon: THE SQUARE LLC			

I, MALCOLM NEWMAN, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

THE SQUARE LLC VIa NEW YORK SECRETARY OF STATE

Address:

99 WASHINGTON AVENUE, ALBANY NY 12201

Manner of Service: SECRETARY OF STATE

Time & Date:

NOVEMBER 17, 2023 / 10:56 am

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIBIT 1 and \$40.00 STATE FILING FEE

MALCOLM NEWMAN

LLS

41 Schermerhorn Street Suite 318

Brooklyn, NY 11201 800 695-7480

Subscribed and sworn to before me by the offiant who is

personally known to me.

Notary

Date

ARLETTE SIMMONS Notary Public, State of New York No: 01S15162427 Qualified in New York County

My Commission Expires November 05, 2024

AFFIDAVIT OF NON-SERVICE

			INU Y ALWAZUZO
Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	22ND JUDICIAL CIRCUIT CIRCUIT 237 EER'S OFFICE
Plaintiff / Petitioner: MARC BRANDAN ELL		Defendant / Respondent: HBO HOME ENTERTAINMEN	BY — / / / / DEPUTY
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: JEHANE NOJAIM			

I, Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

JEHANE NOJAIM

Address:

14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012

Date & Time:

Manner of Service: NON - SERVICE / BAD ADDRESS

NOVEMBER 16, 2023 // 7:13 pm

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIBIT 1

Additional Comments: As per building concierge, no one by name is listed within building directory.

LLS

41 Schermerhorn Street Suite 318 Brooklyn, NY 11201

800 695-7480

Subscribed and sworn to before me by the affiant who is personally known to me.

Notary Public

Date

ARLETTE SIMMONS Notary Public, State of New York No: 01S15162427

Qualified in New York County My Commission Expires November 05, 2024

AFFIDAVIT OF SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	CHACUIT CLERK'S OFFICE
Plaintiff / Petitioner MARC BRANDAN ELL	: 101	Defendant / Respondent. HBO HOME ENTERTAINMENT CO	THE DEFLUTY
Received by: LLS		FOR MARC BRANDAN ELLIOT	
To be served upon: ISABELLA CONSTANT	INO		

I. ELVIN SINGLETON, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

ISABELLA CONSTANTINO

Address.

625 LAFAYETTE AVENUE, BUFFALO, NEW YORK 14222

Manner of Service: PERSONAL / INDIVIDUAL

Date & Time:

NÖVEMBER 27, 2023 // 7 41 pm

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIDIT 1

41 Scheimeihorn Street Suite 318

Brooklyn , NY 11201 800 695-7480

Subscribed and swarn to before me by the afficial who is

Notary Public

Date

ARLETTE SIMMONS

Notary Public State of New York No 01515162427

Qualified in New York County

My Commission Expires November 05 2024



Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT vs.	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP Nature of Suit: CC Other Tort	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
ALIAS Summons for Per	sonal Service Outside the State of Missouri
	kcept Attachment Action)
The State of Missouri to: JEHANE NOJAIME Alias: 14 E 4TH ST UNIT 1107 NEW YORK, NY 10002	
which is attached, and to plaintiff/petitioner at the you, exclusive of the da	appear before this court and to file your pleading to the petition, copy of to serve a copy of your pleading upon the attorney for the above address all within 30 days after service of this summons upon by of service. If you fail to file your pleading, judgment by default will be e relief demanded in this action.
CITY OF ST LOUIS December 1	1, 2023 Thomas Playinger
Date Further Information:	Clefk* U
Officer's	or Server's Affidavit of Service
 I am authorized to serve process in civil action My official title is	ition to the defendant/respondent. on at the dwelling house or usual place of abode of the defendant/respondent
with (for service on a corporation) delivering a	
· —	(name) (title).
	(address)
	(state), on(date) at(time).
l am: (check one)	Signature of Sheriff or Server before me this (day) (month) (year). the clerk of the court of which affiant is an officer. the judge of the court of which affiant is an officer. thorized to administer oaths in the state in which the affiant served the above the ummons. (use for out-of-state officer) thorized to administer oaths. (use for court-appointed server)
	Signature and Title

Caseasle 23: 22-01/61116 SEPD 00to #: #1-3-1 File ite d: 21/25/15/22 3P 27 28 29 (5:058 f 06) 57 10 27 29 (19) 1 15: #561 36

Service Fees	
Summons \$	
Non Est \$	
Mileage \$	(miles @ \$ per mile)
Total \$	
	See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



-00CC/-				
Judge or Division: ELIZABETH BYRNE HO	GAN	Case Number: 2322-CC09423		
Plaintiff/Petitioner: MARC BRANDAN ELLIC	νs.	Plaintiff's/Petitioner's Attorney/Add MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	Iress:	
Defendant/Respondent:	¥5.	Court Address:		
HBO HOME ENTERTAIN	MENT CORP	CIVIL COURTS BUILDING		
Nature of Suit: CC Other Tort		10 N TUCKER BLVD SAINT LOUIS, MO 63101		
			(Date	File Stamp)
ALIAS		sonal Service Outside the Sacept Attachment Action)	tate of Missouri	
The State of Missouri to:	KARIM AMER			
14 E 4TH ST UNIT 1107 NEW YORK, NY 10002	Alias:			
COURT SEAL OF	which is attached, and the plaintiff/petitioner at the you, exclusive of the date.	appear before this court and to file y to serve a copy of your pleading up above address all within 30 days a by of service. If you fail to file your p e relief demanded in this action.	on the attorney for the fter service of this summon leading, judgment by defa	ons upon
CITY OF ST LOUIS	December 1	1, 2023 7 Los	vas Kloeppinger	<u></u>
	Date Further Information:		Clerk U	
	Officer's	or Server's Affidavit of Service		
My official title isI have served the adelivering a copy with	above Summons by: (check py of the summons and pet of the summons and petition	s within the state or territory where the of one) ition to the defendant/respondent. on at the dwelling house or usual place in a person at least 18 years of age copy of the summons and petition to	County, of abode of the defendant/re	(state).
		(name)		
		(state), on		
	County,	(State), OII	(date) at	(ume).
	I am: (check one)	before me this (day) the clerk of the court of which affiant is a the judge of the court of which affiant is a thorized to administer oaths in the stat thorized to administer oaths. (use for out- thorized to administer oaths. (use for out-	n officer. an officer. e in which the affiant served	(year).

MISSOURI CIRCUIT COURT TWENTY-SECOND JUDICIAL CIRCUIT

(City of St. Louis)

22^{NU} JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY DEPUTY

MARC ELLIOT

VS

HBO	HOME ENTENTHINMENT COL	LP, JET	1ANE 1	VUVTAIM	KAMM	AMER	, THE WITHOUS	42	THE OTHERS
		,		UCENS	ING COILP	, THE SQ	VARE UL, ISA	BELLA	- CONSTANTINO
	CACE NO BOOD COMPUS	2 r	AT TICIT	ONT A					

ORDER/JUDGEMENT/MEMORANDUM

PLAINTIFF'S REQUEST	
M REQUESTING TO REISSUE THE SUMMENS FOR J	ETIGNE NOUTHIM, KARIM
AMER AND THE SQUARE LLC FOR TEHANE NOUSAMI	*
PROCESS SERVER SERVED THE LAST KNOWN ADDRESS	BUTTHEY NO LONGER LIVE THERE
I SUBMITTED THE AFFIDAVITS OF MON SERVICE TO	
TIME TO LOCATE TITEM.	
REGARDING THE SQUARE LLL, THE PROCESS SERVE	R SERVED THE LLC THROUGH
THE NY SECRETARY OF STATE BUT I JUST FOR	· · · · · · · · · · · · · · · · · · ·
SUFFICE. I'M REQUESTING MORE TIME TO	
AGENT. I DID SUBMIT THE AFFIDANT FOTHE COUR	*
SUBMITTED THROUGH THE NY SELLETARY OF ST	
THANK YOU.	
	MARCELLO7
	11. 111
	Mary Ug

Caseaste23:20-01/611165EPD 6Drock:#1-3-1Fileided:21/251/2523Parance:360f 65576 aradici #:59139 Service Fees Summons Non Est Mileage \$ miles @ \$ per mile) Total See the following page for directions to officer making return on service of summons. Directions to Officer Making Return on Service of Summons A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same. Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner. or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



-acces			
Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322	-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's A MARC BRANDAN EL 5655 PERSHING AVE APT 529 vs. ST LOUIS, MO 63112	LIOT	
Defendant/Demandent		2	
Defendant/Respondent: HBO HOME ENTERTAINMENT COF	Court Address:	DING	
	CIVIL COURTS BUILI 10 N TUCKER BLVD	DING	
Nature of Suit: CC Other Tort	SAINT LOUIS, MO 63	3101	
CC Other Tort	G/ 1 1 20010, 1110 01		
		(Date File	Stamp)
ALIAS Summo	ns for Personal Service Out (Except Attachment Act	side the State of Missouri	
The State of Missouri to: THE SQUA			
Alias:			
LISA WISLEY, RAGT 160 VAN BRUNT ST THIRD FL BROOKLYN, NY 11231			
COURT SEAL OF You are su	mmoned to appear before this court	t and to file your pleading to the petition,	copy of
which is at	tached, and to serve a copy of your	pleading upon the attorney for the	
		in 30 days after service of this summons	
		o file your pleading, judgment by default	will be
taken agaii	nst you for the relief demanded in th	is action.	
CITY OF ST LOUIS DO	ecember 1, 2023	Thomas Playpinger	
	Date	Clerk	
Further Infor	mation:		
	Office also as Course le Affide de		
I certify that:	Officer's or Server's Affidavit of	or Service	
•	s in civil actions within the state or territo	ory where the above summons was served.	
My official title is		County,	(state).
3. I have served the above Summo	ons by: (check one)	•	
	imons and petition to the defendant/resp		
		r usual place of abode of the defendant/response	ondent
with (for service on a cornoration	, a person at least 18 i) delivering a copy of the summons and	years of age residing therein.	
		pennon to	(title)
_			
		(ad	
in	_County, (state), on	1 (date) at	(time).
Printed Name of Sheriff or	Server	Signature of Sheriff or Server	
		(day) (month)	(year).
I am: (chec	ck one) 🔲 the clerk of the court of which		
	the judge of the court of wh		
(Seal)		ths in the state in which the affiant served the	above
	summons. (use for out-of-s	tate oπicer) iths. (use for court-appointed server)	
	data on zed to administer oa	and, (400 for obuit-appointed server)	
		0: / /=:::	
		Signature and Title	

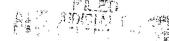
Service Fees Summons Non Est Mileage miles @ \$ Total See the following page for directions to officer making return on service of summons. Directions to Officer Making Return on Service of Summons A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same. Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated. Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made. Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state." The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made. Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within

SJRC (07-21) SM60 (SMOS) For Court Use Only: Document ID# 23-SMOS-4507

30 days after service.

2 of 2 (2322-CC09423)

SCR 54.06, 54.07, 54.14, 54.20; 506.500, 506.510 RSMo



AFFIDAVIT OF SERVICE

Case: 2322 CC09423	Court: 22ND JUDICIAL CIRCUIT	County: 2323 DE Goo: 4 PM 12: 18	
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.	
Received by:		For: MARC BRANDAN ELLIOT	
To be served upon:	INO		

LELVIN SINGLETON, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected. I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

ISABELLA CONSTANTINO

Address:

625 LAFAYETTE AVENUE, DUFFALO, NEW YORK 14222

Manner of Service: PERSONALY INDIVIDUAL

Date & Time:

NOVEMBER 27, 2023 // 7-41 pm

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIBIT 1

us.

4) Schermerhorn Street Suite 318

Brooklyn, NY 11201

E00 695-7480

Subscribed and sworn to before me by the official who is

personally known to me

Notary Public

Date

ARLETTE SIMMONS Notary Public State of New York No 01515162427 Qualified in New York County My Commission Expires November 05: 2024



Case: Court PH-12: 18 County: 9937440 2322-CC09423 22ND JUDICIAL CIRCUIT ST. LOUIS, MO Plaintiff / Petitioner. Defendant / Respondent: MARC BRANDAN ELLIOT HBO HOME ENTERTAINMENT CORP. Received by: LLS MARC BRANDAN ELLIOT

I Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

To be served upon: KARIM AMER

KARIM AMER

Address:

14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012

Date & Time:

Manner of Service: NON - SERVICE / BAD ADDRESS

NOVEMBER 16, 2023 // 7:13 pm

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIBIT 1

Additional Comments: As per building conclerge, no one by name is listed within building directory.

Subscribed and sworn to before me by the affiant who is

personally known to me.

LLS

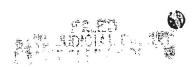
41 Schermerhorn Street Suite 318

Brooklyn, NY 11201 800 695-7480

Notary Public

Date

ARLETTE SIMMONS Notary Public, State of New York No 01515162427 Qualified in New York County My Commission Expires November 05, 2024



AFFIDAVIT OF SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT.	County: Job: 1112-10 ST. LOUIS, MO 9937440
Plaintiff / Petitioner		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.
Received by:		For MARC BRANDAN ELLIOT
To be served upon: THE SQUARE LLC		

I, MALCOLM NEWMAN, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

THE SQUARE LLC VIA NEW YORK SECRETARY OF STATE

Address:

99 WASHINGTON AVENUE, ALBANY NY 12201

Manner of Service: SECRETARY OF STATE

Time & Date:

NOVEMBER 17, 2023 / 10:56 am

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIBIT 1 and \$40.00 STATE FILING FEE

MALCOLM NEWMAN

41 Schermerhorn Street Sulte 318 Brooklyn, NY 11201 800 695-7480

Subscribed and sworn to before me by the offiant who is personally known to me.

N overl

Date.

ARLETTE SIMMONS Notary Public, State of New York No: 01515162427 Qualified in New York County My Commission Expires November 05, 2024



AFFIDAVIT OF NON-SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County:
Plaintiff / Petitioner MARC BRANDAN ELL		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.
Received by: LLS		For MARC BRANDAN ELLIOT
To be served upon: JEHANE NOJAIM		

I, Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name:

JEHANE NOJAIM.

Address:

14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012

Date & Time:

Manner of Service: NON - SERVICE / BAD ADDRESS

NOVEMBER 16, 2023 // 7:13 pm

Documents:

SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR

DAMAGES and EXHIBIT 1

Additional Comments: As per building concierge, no one by name is listed within building directory.

Subscribed and sworn to before me by the affiant who is

personally known to me.

LLS

41 Schermerhorn Street Suite 318

Brooklyn, NY 11201 800 695-7480

Notary Publi

Date

ARLETTE SIMMONS. Notary Public, State of New York No: 01515162427 Qualified in New York County

My Commission Expires November 05, 2024





Plaintiff/Petitioner: MARC BRANDAN ELLIOT MARC BRANDAN ELLIOT 5665 PERSHING AVE APT 529 Vs. ST LOUIS, MO 63112 Defendant/Respondent: HBO HOME ENTERTAINMENT CORP Nature of Suit: CC Other Tort Plaintiff/s/Petitioner's Attorney/Address: Captioner's Attorney/Address: Court Address: Civil Court S Building 10 N TUCKER BLVD SAINT LOUIS, MO 63101	3
HBO HOME ENTERTAINMENT CORP CIVIL COURTS BUILDING Nature of Suit: 10 N TUCKER BLVD	
(Date File St	amp)

				Date File Stamp)
ALIAS	S Summons for Person	THE PARTY OF THE WAR WAS A SECOND OF THE SECOND	The second secon	
The State of Missouri to: LISA WISLEY, RAGT 160 VAN BRUNT ST THIRD F BROOKLYN, NY 11231	THE SQUARE LLC Alias:			
COURT SEAL OF	You are summoned to appear which is attached, and to sell plaintiff/petitioner at the above you; exclusive of the day of taken against you for the reli	rve a copy of your pleading (ve address all within 30 days service. If you fail to file your lef demanded in this action.	upon the attorney for the s after service of this sun r pleading, judgment by o	nmons upon .
CITY OF ST LOUIS	December 1, 20 Date	23	Clerk	
2. My official title is	serve process in civil actions with bove Summons by: (check one) by of the summons and petition to of the summons and petition at the a corporation) delivering a copy of	of o the defendant/respondent. he dwelling house or usual place a person at least 18 years of according to the summons and petition to	County, Ce of abode of the defendar ge residing therein.	(state).
other: Served at				(address)
in	County,	(state), on	(date) at	(time).
Printed Nam S	☐ authoria summo		s an officer. is an officer, state in which the affiant sei)	(year)

	Service Fe	es		ga day						Alleria de Galeria		Act a	- A		Ary:				Fyy.
	Summons	\$	ata en en		1800 8			JEN.									4.9 1		
- 1	Non Est	\$		Villa II.	1 1 1 1 1								12.35	Muli			- W. J		
7	Mileage	\$	toolde olympia			Adentisa.	ifiladri (d.). Kozadri	mil	es @ :		pe	r mile)	a " word a d	ar Tolla			Sant 1		
 	Total	•	D.	mil Kadish sa utas	Anna Anna				P#1	A CONTRACTOR		الالزاد . تعدد معا			3, 8 (p	Mar.			
	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Taraban Ta	- 36	e the fol	lowing	page to	rairecti	ons to c	miceri	naking	return	on serv	ICE OT.	summe	ons.	in inch	28.9	* ***	A S

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

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Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



Judge or Division) ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Addre MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	985;
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING	
Nature of Suit: CC Other Tort	10 N TUCKER BLVD SAINT LOUIS MO 63101	
	rsonal Service Outside the St	(Date File Stamp) ate of Missouri
(E	Except Attachment Action)	
The State of Missouri to: THE SQUARE LLC Alias: LISA WISLEY, RAGT 160 VAN BRUNT ST THIRD FL BROOKLYN, NY 11231		
which is attached, and plaintiff/petitioner at the you, exclusive of the design of the	appear before this court and to file you to serve a copy of your pleading upon a above address all within 30 days after a good service. If you fail to file your please relief demanded in this action.	the attorney for the presence of this summons upon ading, judgment by default will be
CITY OF ST LOUIS December	1, 2023	a llogge gen
Date Further Information		Clerk
	or Server's Affidavit of Service	
I certify that: 1. I am authorized to serve process in civil actio	ns within the state or territory where the ab	ove summons was served
	of the second second	and the state of t
** ** ** ** ** ** ** ** ** ** ** ** **		County; (st
delivering a copy of the summons and pe	etition to the defendant/respondent.	
delivering a copy of the summons and petition leaving a copy of the summons and petitions.	etition to the defendant/respondent ion at the dwelling house or usual place of	abode of the defendant/respondent
delivering a copy of the summons and petit teaving a copy of the summons and petit with	etition to the defendant/respondent. ion at the dwelling house or usual place of a person at least 18 years of age re acopy of the summons and petition to	abode of the defendant/respondent siding therein.
delivering a copy of the summons and petit leaving a copy of the summons and petit with (for service on a corporation) delivering a	etition to the defendant/respondent ion at the dwelling house or usual place of a person at least 18 years of age re	abode of the defendant/respondent siding therein.
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delivering a copy of the summons and petit with (for service on a corporation) delivering a other: Served at in Printed Name of Sheriff or Server Subscribed and sworn to I am: (check one)	stition to the defendant/respondent. Ion at the dwelling house or usual place of a person at least 18 years of age re copy of the summons and petition to (name) (state), on Si before me this (day) he clerk of the court of which affiant is an	abode of the defendant/respondent siding therein. (titl (address (date) at (time). gnature of Sheriff or Server (month) (yes
delivering a copy of the summons and petit with (for service on a corporation) delivering a other: Served at in Printed Name of Sheriff or Server Subscribed and sworn to I am: (check one)	stition to the defendant/respondent. Ion at the dwelling house or usual place of a person at least 18 years of age re copy of the summons and petition to (name) [state], on [state], o	abode of the defendant/respondent siding therein. (titl (address (date) at (time). gnature of Sheriff or Server (month) (yes
delivering a copy of the summons and petit with (for service on a corporation) delivering a other: Served at in County. Printed Name of Sheriff or Server Subscribed and sworn to I am: (check one)	stition to the defendant/respondent. Ion at the dwelling house or usual place of a person at least 18 years of age re a copy of the summons and petition to (name) (state), on Si before me this (day) he clerk of the court of which affiant is an authorized to administer caths in the state summons, (use for out-of-state officer)	abode of the defendant/respondent siding therein. (titl (address (date) at
delivering a copy of the summons and petit with (for service on a corporation) delivering a other: Served at in County. Printed Name of Sheriff or Server Subscribed and sworn to I am: (check one)	stition to the defendant/respondent, ion at the dwelling house or usual place of a person at least 18 years of age reacopy of the summons and petition to (name) (state), on Silve of the court of which affiant is an the judge of the court of which affiant is an authorized to administer caths in the state	abode of the defendant/respondent siding therein. (titl (address (date) at

MISSOURI CIRCUIT COURT TWENTY-SECOND JUDICIAL CIRCUIT (CITY OF ST, LOUIS)

MARC ELLIOT

٧.

Plaintiff(s) / Petitioner(s)

HBO HOME ENTERTAINMENT CORP. a Delaware corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; The Square, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1-10

Defendant(s) / Respondent(s)

Case No.: 2322-CCO9423

AFFIDAVIT OF SERVICE

I, RICHARD CECCE, being duly sworn, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

I served the following documents to The Square LLC in Delaware County, NY on December 6, 2023 at 1:13 pm at 74 Main St, Delhi, NY 13753 by personal service by handing the following documents to an individual identified as The Square LLC.

Alias Summons, Complaint, and Exhibits

Additional Description:

Lisa Wisely was personally served 12/06 at 1:13 pm. She is white, female, 54 years old, 5'06", 150 lbs, brown hair, glasses, no military.

White Female, est. age 54, glasses: Y, Brown hair, 140 lbs to 160 lbs, 5' 3" to 5' 6". Photograph: See Exhibit 1

Proof Job #411783

Signature

Name:RICHARD CECCE Phone:607-434-6173 Subscribed and sworn to before

me this <u>8th</u> day of <u>December</u>, <u>2023</u>, by

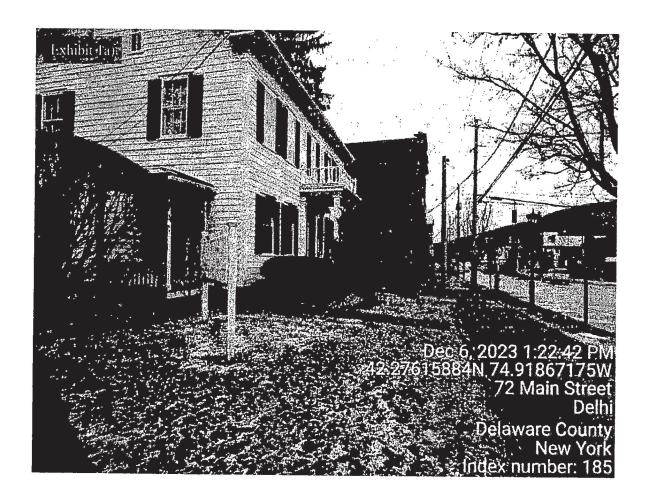
RICHARD CECCÉ

Witness my hand and official scal.

Notary Public

My commission expires: 09/08/2027

SARA CECCE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CE6330110
Qualified in Delaware County
My Commission Expires September 08, 2027



Proof Job #411783

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI

Marc Elliot)	
	, Plaintiff,))	
)	1 (1 1
V. IBO HOME ENTERTAINMENT GROUP; a delaware (OUJAIME, an individual; KARIM AMER, an THERS, LLC, a Florida limited liability (ICENSING CORP., a Florida corporation; few York limited liability company; ISAI -ndividual; JOHN DOES 1-10	n individual; THE / company; THE OTHRS : THE SOUARE. LLC. a) Case No. 4:23-cv-)	1611
	Defendant,))	
	ORIGI	NAL FILING FORM	
THIS FORM MUS' WHEN INITIATIN		ERIFIED BY THE FILING PAR	TY
THIS SAM	E CAUSE, OR A SUBSTANT	ΓΙΑLLY EQUIVALENT COMPLA	INT, WAS
PREVIOUSLY FILE	ED IN THIS COURT AS CAS	SE NUMBER	_
AND ASSIGNED T	O THE HONORABLE JUDG	EE	
THIS CAUS	SE IS RELATED, BUT IS NO	DT SUBSTANTIALLY EQUIVALE	ENT TO ANY
PREVIOUSLY FILE	ED COMPLAINT. THE REL	ATED CASE NUMBER IS	AND
THAT CASE WAS	ASSIGNED TO THE HONOR	RABLE	THIS CASE MAY,
THEREFORE, BE C	OPENED AS AN ORIGINAL	PROCEEDING.	
NEITHER 7	THIS SAME CAUSE, NOR A	SUBSTANTIALLY EQUIVALEN	ΙΤ
COMPLAINT, HAS	S BEEN PREVIOUSLY FILEI	O IN THIS COURT, AND THEREF	ORE
MAY BE OPENED	AS AN ORIGINAL PROCEE	EDING.	
The undersigned af	ffirms that the information p	rovided above is true and correct.	
Date: 12/15/2023	<u> </u>	/s/ Joseph E. Martineau Signature of Filing Part	y

Exhibit
B

$_{JS\;44\;(Rev.\;04/21)} Cas @ als @$

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS]	DEFENDAN'	TS							
Marc Elliot				Home Box Office, Inc. (incorrectly sued as "HBO Home Entertainment Corp."); Jehane Noujaim; Karim Amer; The								
(b) County of Residence of	of First Listed Plaintiff S	t. Louis City, MO		County of Residence of First Listed Defendant New Castle, DE								
(E)	KCEPT IN U.S. PLAINTIFF CA	SES)	1	(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.								
(c) Attorneys (Firm Name, 1	Address, and Telephone Numbe	r)		Attorneys (If Known)								
(c) Tittorneys (1 tim Name, 1	')	I	Lewis Rice LLC									
			600 Washington Ave, Suite 2500									
H. D. GIG OF HIDIOD	ICTION	I.		St. Louis. MC					+			
II. BASIS OF JURISD	ICTION (Place an "X" in	One Box Only)		LENSHIP OF Diversity Cases Or		CIPAL PARTIES	(Place an "X" in and One Box for I		r Plaintiff			
U.S. Government Plaintiff	Citizen of	-	Principal Place This State	PTF 4	DEF 4							
2 U.S. Government Defendant					en of Another State 2 X 2 Incorporated and a of Business In A				X 5			
				Subject of a Country	3		<u> </u>	6				
IV. NATURE OF SUIT			l nonn			ek here for: Nature of	_	_				
CONTRACT 110 Insurance	PERSONAL INJURY	RTS PERSONAL INJURY		EITURE/PENALT ug Related Seizure		422 Appeal 28 USC 158	375 False C	STATUT	ES			
120 Marine 130 Miller Act	310 Airplane 315 Airplane Product	365 Personal Injury - Product Liability	_	Property 21 USC 8		423 Withdrawal 28 USC 157	376 Qui Ta	m (31 USC				
140 Negotiable Instrument	Liability	367 Health Care/		101		INTELLECTUAL	400 State R	3729(a)) 400 State Reapportionment				
L 150 Recovery of Overpayment & Enforcement of Judgment	320 Assault, Libel & Slander	Pharmaceutical Personal Injury				PROPERTY RIGHTS 820 Copyrights	410 Antitru 430 Banks		ng			
151 Medicare Act 152 Recovery of Defaulted	330 Federal Employers' Liability	Product Liability 368 Asbestos Personal				830 Patent	450 Commo					
Student Loans	340 Marine	Injury Product				835 Patent - Abbreviated New Drug Application	470 Racket	460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit				
(Excludes Veterans) 153 Recovery of Overpayment	345 Marine Product Liability	Liability PERSONAL PROPERT	Y	LABOR		840 Trademark 880 Defend Trade Secrets	_					
of Veteran's Benefits 160 Stockholders' Suits	350 Motor Vehicle 355 Motor Vehicle	370 Other Fraud 371 Truth in Lending	710 Fai	r Labor Standards		Act of 2016	(15 US 485 Teleph	SC 1681 or				
190 Other Contract	Product Liability	380 Other Personal	720 La	720 Labor/Management		SOCIAL SECURITY		tion Act	illei			
195 Contract Product Liability 196 Franchise	X 360 Other Personal Injury	Property Damage 385 Property Damage		lations ilway Labor Act	H	861 HIA (1395ff) 862 Black Lung (923)	490 Cable/S 850 Securit		odities/			
	362 Personal Injury - Medical Malpractice	Product Liability	751 Fai	mily and Medical ave Act		863 DIWC/DIWW (405(g)) 864 SSID Title XVI	Exchai	nge				
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		her Labor Litigation	n 📙	865 RSI (405(g))	890 Other S	-	ctions			
210 Land Condemnation 220 Foreclosure	440 Other Civil Rights 441 Voting	Habeas Corpus: 463 Alien Detainee	_	ployee Retirement come Security Act	_	FEDERAL TAX SUITS	893 Environ					
230 Rent Lease & Ejectment	442 Employment	510 Motions to Vacate		cine security rice		870 Taxes (U.S. Plaintiff	Act		11441011			
245 Tort Product Liability	240 Torts to Land 443 Housing/ Sentence 245 Tort Product Liability Accommodations 530 General					or Defendant) 871 IRS—Third Party						
290 All Other Real Property	445 Amer. w/Disabilities - Employment	535 Death Penalty Other:		IMIGRATION turalization Applica	ation	26 USC 7609	I	Act/Review or Appeal of Agency Decision				
	446 Amer. w/Disabilities -	540 Mandamus & Other	r 465 Otl	ner Immigration	ation		950 Constit	utionality of	of			
	Other 448 Education	550 Civil Rights 555 Prison Condition	Ac	tions			State St	tatutes				
		560 Civil Detainee - Conditions of										
V ODICIN		Confinement										
	noved from 3	Remanded from Appellate Court	4 Reinstate Reopened		nsferred other Dis			Multidist Litigation				
			•	(spe	ecify)	Transfer	-	Direct F				
	Cite the U.S. Civil Sta 28 U.S.C. sections 144	tute under which you are 1 1332	e filing (Do no	t cite jurisdictional	l statutes	unless diversity):						
VI. CAUSE OF ACTION	Brief description of ca	use:										
VII DEQUESTED IN		vacy and/or publicity and			v through							
VII. REQUESTED IN COMPLAINT:	UNDER RULE 2	IS A CLASS ACTION 3, F.R.Cv.P.		AND \$ ess of \$75,000		CHECK YES only JURY DEMAND		No No	nt:			
VIII. RELATED CASI IF ANY	(See instructions):	JUDGE				DOCKET NUMBER _	E	xhibi	t			
DATE Dec 15, 2023		SIGNATURE OF ATTO		ECORD				С				
FOR OFFICE USE ONLY		,										
RECEIPT # AM	MOUNT	APPLYING IFP		JUDGI	Е	MAG. JU	JDGE					

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.
- V. Origin. Place an "X" in one of the seven boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.